

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of VIRGIL JACKSON, JEREMIAH  
JACKSON, and REGINA JACKSON, Minors.

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DEPARTMENT OF HUMAN SERVICES, f/k/a  
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

VALARIE A. WILLIAMS, a/k/a VALORIE  
WILLIAMS,

Respondent,

and

RAYMOND ANTHONY JACKSON,

Respondent-Appellant.

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DEPARTMENT OF HUMAN SERVICES, f/k/a  
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

VALARIE A. WILLIAMS, a/k/a VALORIE  
WILLIAMS,

Respondent-Appellant,

and

UNPUBLISHED  
July 6, 2006

No. 265514  
Wayne Circuit Court  
Family Division  
LC No. 90-285711-NA

No. 265515  
Wayne Circuit Court  
Family Division  
LC No. 90-285711-NA

RAYMOND ANTHONY JACKSON,

Respondent.

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Before: Bandstra, P.J., and Saad and Owens, JJ.

PER CURIAM.

Respondents Raymond Jackson and Valarie Williams each appeal as of right the trial court's order terminating their parental rights to the minor children. The court terminated both respondents' parental rights under MCL 712A.19b(3)(g)<sup>1</sup> and (j)<sup>2</sup>, and additionally terminated respondent Williams' parental rights under MCL 712A.19b(3)(i)<sup>3</sup> and (l)<sup>4</sup>. We affirm.

Both respondents argue that the trial court erred in finding that the statutory grounds for termination were established by clear and convincing evidence. In order to terminate parental rights, the trial court must find that at least one of the statutory grounds set out in MCL 712A.19b has been met by clear and convincing evidence. *In re Fried*, 266 Mich App 535, 540-541; 702 NW2d 192 (2005). Once a ground for termination is established, the trial court must order termination of parental rights unless it finds that termination is clearly not in the best interests of the children. *Id.* at 541. We review for clear error both the trial court's decision that a ground for termination has been proven by clear and convincing evidence and, where appropriate, the court's decision regarding the best interests of the children. *Id.* In reviewing the trial court's findings of fact, we accord deference to the special opportunity of the trial court to judge the credibility of the witnesses. *Id.*

With the exception of a few weeks, the children were in foster care for over three years. The evidence clearly and convincingly showed that respondent Jackson had a long history of domestic violence against respondent Williams, often in the presence of the children, and that both respondents had a history of substance abuse. Neither respondent was ever in full compliance with their treatment plan. The children were returned to respondents in early 2004, but were removed within a few weeks because of another episode of domestic violence. After that time, respondents failed to comply with nearly all aspects of their treatment plan, failed to establish that they were drug and alcohol free, failed to obtain appropriate housing, failed to

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<sup>1</sup> The parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

<sup>2</sup> There is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent.

<sup>3</sup> Parental rights to 1 or more siblings of the child have been terminated due to serious and chronic neglect or physical or sexual abuse, and prior attempts to rehabilitate the parents have been unsuccessful.

<sup>4</sup> The parent's rights to another child were terminated as a result of proceedings under section 2(b) of this chapter or a similar law of another state.

attend counseling, and failed to provide evidence of a legal source of income. Respondent Williams acknowledged that her parental rights to five other children were previously terminated in 1992. In light of this evidence, the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. Further, the evidence did not clearly show that termination of respondents' parental rights was not in the children's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 351; 612 NW2d 407 (2000).

We reject respondent Williams' claim that she was denied due process because the trial court failed to comply with court rule requirements for holding hearings, relied on information that was not in evidence, and because she was not given clear direction on how to regain custody of her children. Although "[p]arents have a significant interest in the companionship, care, custody, and management of their children, and the interest is an element of liberty protected by due process," *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003), respondent did not raise these alleged due process violations below; therefore, our review is for plain error affecting respondent's substantial rights. *Kern v Blethen-Coluni*, 240 Mich App 333, 336; 612 NW2d 838 (2000).

Respondent Williams' claim that the trial court failed to hold regular dispositional hearings as required by MCR 3.975(C)(1) is not supported by the record. Likewise, the record does not support her claim that trial was not held on a particular day because the referee was busy, or for her claim that there was no record evidence of a "brawl" involving the children. To the contrary, the record indicates that trial was postponed because respondents admitted allegations involving a "family brawl."

Nor does the record support respondent Williams' claim that her failure to comply with the parenting agreement was due to the deficient performance and lack of clear direction by petitioner. "In general, when a child is removed from the parents' custody, the petitioner is required to make reasonable efforts to rectify the conditions that caused the child's removal by adopting a service plan." *Fried, supra* at 542. The record discloses that the treatment plan was discussed in detail throughout the proceedings and that the requirements remained the same regardless of whether respondent Williams chose to plan separately or jointly with respondent Jackson. Contrary to respondent Williams' argument, the foster care worker testified that Williams was given referrals for counseling and was also given bus tickets to enable her to get to her appointments. There is nothing in the record to suggest that petitioner's efforts toward reunification were unreasonable. Respondent has failed to establish plain error; therefore, she is not entitled to relief on this issue.

We affirm.

/s/ Richard A. Bandstra  
/s/ Henry William Saad  
/s/ Donald S. Owens